

1 H. Troy Romero, CBN #224867  
2 ROMERO PARK, P.S.  
3 16935 W. Bernardo Drive, Suite 260  
4 San Diego, CA 92127  
5 Email: tromero@romeropark.com  
6 Telephone: 858-592-0065

7 *Attorneys for Defendants Crowe, Lyonette,*  
8 *Rau, Ross, Malcolm, and Jimenez*

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF CALIFORNIA  
NORTHERN DISTRICT**

Carl A. Wescott,

Plaintiff,

vs.

David Crowe; Mike Lyonette;  
Thomas P. Madden; Taylor Collins; Jeff Rau;  
Darrell Bushnell; Amy Bushnell;  
Peter Tierney; Kathy Fettke; Susie Yee;  
Norman Davies; Claire Davies; Sandra Winfrey;  
Brian Putze; Colin Ross; Brad Malcolm;  
Michael Jimenez; Gustavo Varela; Robert  
Crowe; Bernadette Brown; Federico Gurdian;  
Terencio Garcia, Does 1 through 50,

Defendants.

No: 3:20-cv-06456-JD

RESPONSE TO PLAINTIFF'S MOTION  
TO APPEAR TELEPHONICALLY FOR  
HEARING ON DEFENDANTS' MOTION  
TO DISMISS PLAINTIFF'S THIRD  
AMENDED COMPLAINT

Hearing Date: April 28, 2022  
Hearing Time: 10:00 a.m.  
Courtroom: 11  
Judge: Hon. James Donato  
Response Due: May 13, 2022

**I. RESPONSE**

On April 20, 2022, this Court Ordered that Defendants' Motion to Dismiss Plaintiff's Third Amended Complaint ("Defendants' Motion") was suitable for decision without oral argument pursuant to Civil Local Rule 7-1(b); thereby vacating the hearing set for April 28, 2022.

On May 2, 2022, Defendants' counsel received Plaintiff's Motion to Appear Telephonically for Hearing on Defendants' Motion to Dismiss Plaintiff's Third Amended Complaint ("Plaintiff's Motion").

1 As the Court has already determined that Defendants' Motion is suitable for decision  
2 without oral argument, Defendants hereby object to Plaintiff's Motion to appear.

3 **II. CONCLUSION**

4 For the reasons discussed above, Plaintiff's Motion should be denied, as the Court has  
5 stricken the hearing on Defendants' Motion and has already Ordered that ruling will take place  
6 without oral argument.

7 RESPECTFULLY SUBMITTED this 3<sup>rd</sup> day of May 2022.

8 ROMERO PARK P.S.

9  
10 By: /s/ H. Troy Romero

11 H. Troy Romero, CBN #224867  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**PROOF OF SERVICE BY ELECTRONIC MAIL**

I, Kathy Koback, certify and declare as follows:

I am a citizen of the United States and a resident of the State of Washington. I am over the age of 18 years and not a party to the within-entitled cause. I am an employee with the law firm of Romero Park P.S., whose addresses are 16935 West Bernardo Drive, Suite 260, San Diego, California 92127 and 155 – 108<sup>th</sup> Avenue NE, Suite 202, Bellevue, Washington 98004, which is located in the county where the mailing described below took place.

On May 3, 2022, at my place of business in Bellevue, Washington, a copy of the attached document described as:

RESPONSE TO PLAINTIFF'S MOTION TO APPEAR TELEPHONICALLY FOR HEARING  
ON DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S THIRD AMENDED COMPLAINT

was sent via electronic mail pursuant to the parties' agreement for acceptance of service via electronic mail, and addressed to:

Carl A. Wescott  
8210 e. Via De La Escuela  
Scottsdale, Arizona 85258  
Email: [carlwsoj@gmail.com](mailto:carlwsoj@gmail.com)

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: May 3, 2022.

  
\_\_\_\_\_  
Kathy Koback, Legal Assistant